

## INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSONArea(s) of Expertise: HAIR AND FIBERSReview commenced at: 11:00 A (Time), 05/17/99 (Date)File #: 95A HQ 1026031Laboratory #(s): 10321044 106240411040806310604010

## Examiner(s) &amp; Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>QW</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONETestimony Date(s): NOT KNOWN Pages: 714-785

Laboratory Report(s):

Laboratory Number: 10321044 10408063 Date: 8-16-91  
10604010 10624041

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ QW ZT UNKNOWN TECHNICIANSLaboratory Number: 10321044 10408063Laboratory Number: 10604010 10624041

Laboratory Number: \_\_\_\_\_

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Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: FOUR SUBMISSION LETTERS FROM  
SUBMITTING OFFICIAL, ONE LETTER OUTLINES INVESTIGATORS SYNOPSIS OF  
THE CRIME

### Results of Review

File #: 95A HQ 1026031

Item or Specimen # Reviewed: Q9, Q10-Q14, Q15  
Q24, K6

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☒ No ☐ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☒ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials H. J. J.

## Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

#1. THERE IS NO DOCUMENTATION OF ANY ANALYSIS ON THE ROPE (Q10-Q14) BEYOND A VISUAL EXAMINATION.

DOCUMENTATION OF HAIR COMPARISON IS INADEQUATE - EXAMINATION NOTES ARE NOT DATED; REVIEWER IS UNABLE TO INTERPRET EXAMINER'S NOTES DUE TO HIS USE OF ABBREVIATIONS; THE NUMBER OF HAIR AVAILABLE FOR EXAMINATION IN K6 IS NOT DOCUMENTED; MAGNIFICATION USED TO PERFORM THE HAIR COMPARISON IS NOT DOCUMENTED.

#2. DOCUMENTATION IS LACKING CONCERNING EXAMINATION OF THE ROPE AND HAIR AS NOTED IN #1 ABOVE.

EXAMINER ZJ PERFORMED CONFIRMATION OF HAIR COMPARISON, BUT DOCUMENTATION OF SPECIFICALLY WHAT HAIR HE EXAMINED AND HIS CONCLUSION IS NOT PRESENT.

Review completed at: 9:30A (Time), 05/18/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 6 1/4 HOURS

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 445 pages.

Steve Roberts  
(Signature)

5-18-99  
(Date)

Additional Comments  
(Set forth by question #, if applicable)

File #: 95A HQ 1026031

#3. EXAMINER TESTIFIED THE Q10-Q14 ROPS ARE COTTON. THIS IS NOT STATED IN THE LABORATORY REPORT OR DOCUMENTED IN THE BENCH NOTES.

TESTIMONY THAT "IT WOULD BE HIGHLY UNLIKELY FOR... ANYBODY ELSE TO HAVE HAIRS EXACTLY LIKE THE HAIRS OF MR. MILFORD" IS MUCH STRONGER THAN THE OPINION STATED IN THE LABORATORY REPORT AND IN EARLIER TESTIMONY WHERE EXAMINER SAID THE HAIR IS "CONSISTENT WITH COMING FROM MR. MILFORD" AND "THERE COULD BE OTHER PEOPLE OUT THERE WITH HAIRS JUST LIKE MR. MILFORD".

EXAMINER DID NOT REPORT THE PRESENCE OF Q9 AND Q15 PUBIC HAIRS FROM THE SCENE THAT DID NOT MATCH THE SUSPECT.

EXAMINER TESTIFIED HE ELIMINATED THE VICTIMS AS SOURCE OF Q24 BECAUSE Q24 SHOWED NO SIGNS OF GRAYING. THIS IS NOT IN THE LABORATORY REPORT OR BENCH NOTES.

#4. EXAMINER TESTIFIED THE Q10-Q14 ROPS ARE COTTON. THIS IS NOT DOCUMENTED IN THE BENCH NOTES.

EXAMINER TESTIFIED Q24 HAIR SHOWED NO SIGNS OF GRAYING. THIS IS NOT DOCUMENTED IN THE BENCH NOTES.

EXAMINER TESTIFIED HE SCREENED THE EVIDENCE FOR HAIR BUT BENCH NOTES INDICATE TECHNICIANS DID THE SCREENING.

EXAMINER TESTIFIED "IT'S OUR POLICY AT THE FBI LAB THAT WE HAVE TO FIND AT LEAST 15 OF THESE INDIVIDUAL MICROSCOPIC

Additional Comments  
(Set forth by question #, if applicable)

File #: 95A HQ 1026031

CHARACTERISTICS IN THE HAIR. IF IT'S LESS THAN 15, WE'LL  
CLASSIFY THE HAIR AS NO VALUE FOR COMPARISON." DOUG  
DEEDRICK ADVISED THIS REVIEWER THAT HE'S NOT AWARE OF  
ANY POLICY LIKE THAT

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Initials: EDL